

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

WILLIE LANE,	:	
	:	
Plaintiff,	:	Case No. 5:22-CV-00441-TES-CHW
v.	:	
	:	
PASHION CHAMBERS, et al.,	:	
	:	
Defendants	:	Proceedings Under 42 U.S.C. §1983 Before the U. S. Magistrate Judge

ORDER

Pending before the Court is Plaintiff's motion for Defendant to compel discovery. (Doc. 30). Plaintiff filed this § 1983 action against Defendants alleging claims against several Central State Prison officials. After screening of the complaint, Plaintiff's deliberate indifference claim against Defendant Nwabueze was permitted to move forward for factual development. (Docs. 14, 22). Defendant executed a waiver of service (Doc. 24), and on June 5, 2023, he filed an answer, starting the discovery period. (Doc. 29).

In his motion to compel, Plaintiff asks the court to order Defendant to answer discovery purportedly served in October 2022, approximately two months before he filed suit. (Doc. 1, 30). However, Defendant would not have been obligated to respond to discovery at that time. As explained in the screening order, discovery did not commence until Defendant filed an answer. (Doc. 14, p. 16-17). Therefore, the discovery period only began running on June 5, 2023. Even if Plaintiff had served new or updated discovery requests on Defendant since the answer was filed, Defendant would still be within the time

period allotted to answer and not subject to a motion to compel. Based on the foregoing,

Plaintiff's motion to compel (Doc. 30) is **DISMISSED as premature.**

SO ORDERED, this 20th day of June, 2023.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge